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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/377,383 08/19/99 CHAI

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WM31/1219  
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EXAMINER

DANG, D

ART UNIT

PAPER NUMBER

2621

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/377,383

Applicant(s)

CHAI, BING-BING

Examiner

Duy M Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

### DETAILED ACTION

1. Applicant's amendments and arguments overcome the claim rejection under section 35 U.S.C. § 112.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapiro (U.S. Pat. No. 5,563,960 (referred as '960 hereinafter)).

Regarding claims 1 and 9, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having at least one texture unit only of AC coefficients from a single subband of a hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 2, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having at least one texture unit only of AC coefficients from all subbands of a decomposition level of a hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 3, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having a texture unit consisting only of AC coefficients across n subbands, where n represents a number smaller than a

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number of decomposition levels of a hierarchical subband decomposed image (see fig. 3-5; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 4, Shapiro discloses where  $n$  is two (see figs. 3-5).

Regarding claim 5, Shapiro discloses where  $n$  is three (see figs. 3-5).

Regarding claim 6, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having a texture unit comprising bits from a plurality of DC transform coefficients that form a single bitplane (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 7, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of figs. 1 and item 54 of fig. 2) having at least one texture unit consisting only of AC coefficients from a single subband of a hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 8, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of figs. 1 and item 54 of fig. 2) having at least one texture unit consisting only of AC coefficients from all subbands of a decomposition level of the hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 9, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of fig. 1 and item 54 of fig. 2) having a texture unit consisting only of AC coefficients across  $n$  subbands, where  $n$

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represents a number smaller than a number of decomposition levels of a hierarchical subband decomposed image (see fig. 3-5; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 10, Shapiro discloses where  $n$  is two (see figs. 3-5).

Regarding claim 11, Shapiro discloses where  $n$  is three (see figs. 3-5).

Regarding claim 12, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see items 10 & 40 of fig. 1 and item 54 of fig. 2) having a texture unit comprising bits from a plurality of DC transform coefficients that form a single bitplane (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 13, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of fig. 1 and item 54 of fig. 2) for carrying coefficients, where said payload has a payload size that varies in accordance with coefficients from a subband or decomposition level of said hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

### ***Response to Arguments***

4. Applicant's arguments filed 10/10/00 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's arguments regarding claim 1 and 7, the recitation specific packetizing methods has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites

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the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In addition, the term specific is not present any where in the claim. Thus, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues that “[S]hapiro fails to teach a texture unit consisting only of AC coefficients from a single subband of the hierarchical subband decomposed image. It is noted, however, Applicant is reminded that the examiner is entitled to give the broadest reasonable interpretation to the language of the claims. So the examiner considers Shapiro's data bits 40 representative of the encoded image (refer to figures 1-2 and column 3, lines 48-49) to be Applicant's payload having claimed features within the broad meaning of the term. The examiner is not limited to applicant's definition which is not specifically set forth in the claims. *In re Tanaka et al.*, 193 USPQ, (CCPA) 1977.

In addition, applicants arguments that Shapiro is directed to a standard, it is noted that applicant fails to state/claim “not standard” or “specific”. Such “not standard” or “specific” is not physically present any where in the claims. Thus, applicant's arguments are not persuasive.

Likewise, applicant's arguments regarding claims 2 and 8 is not persuasive for the same reasons as set forth above. In addition, applicant's argument further states that the references fail

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to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *a packet having a texture unit consisting only of AC coefficients* (refer to page 5, lines 4-5)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Likewise, applicant's arguments regarding claims 3-6, and 9-13 is not persuasive for the same reasons as set forth above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 7033051464. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 7033054706. The fax phone numbers for the

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organization where this application or proceeding is assigned are 7033089051 for regular communications and 7033089051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033054700.

**DMD**

December 18, 2000

  
JOSE L. CUSI  
PRIMARY EXAMINER

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### IMPORTANT NOTICE

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Effective October 2, 2000, the Examiner handling this application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 2600. See the forthcoming Official Gazette notice. For any written or facsimile communication submitted ON OR AFTER October 2, 2000, this Examiner, who was assigned to Art Unit 2721, will be assigned to Art Unit 2621. Please include the new Art Unit in the caption or heading of any communication submitted after the October 2, 2000 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.